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SENATE BILL**No. 1661**

Introduced by Senator Kuehl

**(Coauthors: Senators Alarcon, Escutia, Karnette, Perata,
Romero, and Torlakson)**

(Coauthors: Assembly Members Alquist, Aroner, Chan, Corbett,
Dutra, Goldberg, Jackson, Keeley, Kehoe, Koretz, Pavley,
Strom-Martin, Thomson, and Vargas)

February 21, 2002

An act to amend Sections 984, 2116, 2601, 2613, 2708, and 3254 of, and to add Chapter 7 (commencing with Section 3300) to Part 2 of Division 1 of, the Unemployment Insurance Code, relating to disability compensation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1661, as amended, Kuehl. Disability compensation: family temporary disability insurance.

Existing law provides for the payment of disability compensation for the wage loss sustained by an individual unemployed because of sickness or injury, and finances that compensation by means of employee contributions at specified rates to the Disability Fund.

This bill instead would provide disability compensation for any individual who is unable to work due to the employee's own sickness or injury, the sickness or injury of a family member, or the birth, adoption, or foster care placement of a new child.

This bill would establish, within the state disability insurance program, a family temporary disability insurance program to provide up to 12 weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new child. This bill would provide the additional benefits through additional employee contributions, and by requiring employers to provide benefits either directly, through private insurance, or by an election to contribute to the Disability Fund. The bill would also make related, conforming changes in provisions relating to disability compensation. These benefits would be payable for leaves that begin on and after July 1, 2004.

By providing for the deposit of additional moneys in the Disability Fund, a continuously appropriated special fund, for additional recipients of benefits from that fund, and for the expenditure of regulatory fee revenues for the administration of certain of its provisions, this bill would make an appropriation.

Existing law provides that it is unlawful to falsely certify the medical condition of any person in order to obtain disability benefits, to knowingly present a false statement in support of a claim for benefits, to knowingly solicit or receive any payment for soliciting a claimant to apply for disability insurance benefits, or to assist any person who engages in fraudulent or prohibited actions, as specified.

This bill would include family temporary disability insurance benefits within the disability benefits subject to the above proscriptions.

Because a violation of these provisions is a criminal offense, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.



The people of the State of California do enact as follows:

SECTION 1. Section 984 of the Unemployment Insurance Code is amended to read:

984. (a) (1) Each worker shall pay worker contributions at the rate determined by the director pursuant to this section with respect to wages, as defined by Sections 926, 927, and 985. On or before October 31 of each calendar year, the director shall prepare a statement, which shall be a public record, declaring the rate of worker contributions for the calendar year and shall notify promptly all employers of employees covered for disability insurance of the rate.

(2) (A) Except as provided in paragraph (3), the rate of worker contributions for calendar year 1987 and for each subsequent calendar year shall be 1.45 times the amount disbursed from the Disability Fund during the 12-month period ending September 30 and immediately preceding the calendar year for which the rate is to be effective, less the amount in the Disability Fund on that September 30, with the resulting figure divided by total wages paid pursuant to Sections 926, 927, and 985 during the same 12-month period, and then rounded to the nearest one-tenth of 1 percent.

(B) The director shall increase the rate of worker contributions by ~~.05 percent to cover the~~ *0.1 percent for the 2004 and 2005 calendar years to cover the initial cost of family temporary disability insurance benefits provided in Chapter 7 (commencing with Section 3300) of Part 2. This additional contribution rate shall be known as the employee's Family Temporary Disability Insurance (FTDI) premium, and shall fund benefits required by Chapter 7 (commencing with Section 3300) of Part 2. The director shall maintain a separate accounting of the cost of benefits paid pursuant to Chapter 7 (commencing with Section 3300) of Part 2. Beginning in 2004, the director shall provide an annual accounting of this cost as part of the fund status report submitted to the Legislature each May and October pursuant to Section 995, and shall, on or before October 31 of each calendar year, adjust the FTDI premium rate, if necessary, to replace the employee share of the disbursement costs for the previous 12-month period ending September 30, by increasing or decreasing the rate rounded to the nearest one-hundredth of 1 percent. An employer electing to meet its obligation under Chapter 7 (commencing with Section 3300) of*

1 Part 2 to provide 50 percent of FTDI benefits by contributing
2 directly into the Disability Fund shall, under that election,
3 contribute an amount equal to the FTDI premium paid by each
4 employee into the Disability Fund.

5 (3) The rate of worker contributions shall not exceed 1.5
6 percent or be less than 0.1 percent. The rate of worker
7 contributions shall not decrease from the rate in the previous year
8 by more than two-tenths of 1 percent.

9 (b) Worker contributions required under Sections 708 and
10 708.5 shall be at a rate determined by the director to reimburse the
11 Disability Fund for unemployment compensation disability
12 benefits paid and estimated to be paid to all employers and
13 self-employed individuals covered by those sections. On or before
14 November 30th of each calendar year, the director shall prepare a
15 statement, which shall be a public record, declaring the rate of
16 contributions for the succeeding calendar year for all employers
17 and self-employed individuals covered under Sections 708 and
18 708.5 and shall notify promptly the employers and self-employed
19 individuals of the rate. The rate shall be determined by dividing the
20 estimated benefits and administrative costs paid in the prior year
21 by the product of the annual remuneration deemed to have been
22 received under Sections 708 and 708.5 and the estimated number
23 of persons who were covered at any time in the prior year. The
24 resulting rate shall be rounded to the next higher one-hundredth
25 percentage point. The rate may also be reduced or increased by a
26 factor estimated to maintain as nearly as practicable a cumulative
27 zero balance in the funds contributed pursuant to Sections 708 and
28 708.5. Estimates made pursuant to this subdivision may be made
29 on the basis of statistical sampling, or another method determined
30 by the director.

31 (c) The director's action in determining a rate under this section
32 shall not constitute an authorized regulation.

33 (d) Notwithstanding subdivision (a), the director may, at his or
34 her discretion, increase or decrease, by not to exceed 0.1 percent,
35 the rate of worker contributions determined pursuant to
36 subdivision (a), up to a maximum worker contribution rate of 1.5
37 percent, if he or she determines the adjustment is necessary to
38 reimburse the Disability Fund for disability benefits paid or
39 estimated to be paid to individuals covered by this section or to

1 prevent the accumulation of funds in excess of those needed to
2 maintain an adequate fund balance.

3 SEC. 1.5. Section 2116 of the Unemployment Insurance Code
4 is amended to read:

5 2116. It is unlawful to do any of the following:

6 (a) Falsely certify the medical condition of any person in order
7 to obtain disability insurance benefits, *including family temporary*
8 *disability insurance benefits*, whether for the maker or for any
9 other person.

10 (b) Knowingly present or cause to be presented any false or
11 fraudulent written or oral material statement in support of any
12 claim for disability insurance *including family temporary*
13 *disability insurance* benefits.

14 (c) Knowingly solicit, receive, offer, pay, or accept any rebate,
15 refund, commission, preference, patronage, dividend, discount, or
16 other consideration, whether in the form of money or otherwise,
17 as compensation or inducement for soliciting a claimant to apply
18 for disability insurance *including family temporary disability*
19 *insurance* benefits unless the payment is lawful pursuant to
20 Section 650 of the Business and Professions Code.

21 (d) Knowingly assist, abet, solicit, or conspire with any person
22 who engages in an unlawful act under this section.

23 SEC. 2. Section 2601 of the Unemployment Insurance Code
24 is amended to read:

25 2601. The purpose of this part is to compensate in part for the
26 wage loss sustained by any individual who is unable to work due
27 to the employee's own sickness or injury, the sickness or injury of
28 a family member, or the birth, adoption, or foster care placement
29 of a new child, and to reduce to a minimum the suffering caused
30 by unemployment resulting therefrom. This part shall be
31 construed liberally in aid of its declared purpose to mitigate the
32 evils and burdens which fall on the unemployed and disabled
33 worker and his or her family.

34 SEC. 3. Section 2613 of the Unemployment Insurance Code
35 is amended to read:

36 2613. (a) The Director of Employment Development shall
37 develop and maintain a program of education concerning
38 disability insurance rights and benefits.

39 (b) The director shall provide to each employer of employees
40 subject to this part a notice informing workers of their disability

1 insurance rights and benefits due to sickness, injury, or pregnancy.
2 The notice shall be given by every employer to each new employee
3 hired on or after June 1, 1988, and to each employee leaving work
4 due to pregnancy or nonoccupational sickness or injury on or after
5 July 1, 1989.

6 (c) Commencing January 1, 2004, the director shall provide to
7 each employer of employees subject to this part a notice informing
8 workers of their disability insurance rights and benefits due to the
9 employee's own sickness, injury, or pregnancy, or the employee's
10 need to provide care for any sick or injured family member or new
11 child who is unable to care for himself or herself. The notice shall
12 be given by every employer to each new employee hired on or after
13 January 1, 2004, and to each employee leaving work due to
14 pregnancy or nonoccupational sickness or injury on or after July
15 1, 2004.

16 SEC. 4. Section 2708 of the Unemployment Insurance Code
17 is amended to read:

18 2708. (a) In accordance with the director's authorized
19 regulations, and except as provided in Sections 2708.1 and 2709,
20 a claimant shall establish medical eligibility for each uninterrupted
21 period of disability by filing a first claim for disability benefits
22 supported by the certificate of a treating physician or practitioner
23 that establishes the sickness, injury, or pregnancy of the employee,
24 or the condition of the family member that warrants the care of the
25 employee. For subsequent periods of uninterrupted disability after
26 the period covered by the initial certificate or any preceding
27 continued claim, a claimant shall file a continued claim for those
28 benefits supported by the certificate of a treating physician or
29 practitioner. A certificate filed to establish medical eligibility for
30 the employee's own sickness, injury, or pregnancy shall contain a
31 diagnosis and diagnostic code prescribed in the International
32 Classification of Diseases, or, where no diagnosis has yet been
33 obtained, a detailed statement of symptoms.

34 A certificate filed to establish medical eligibility of the
35 employee's own sickness, injury, or pregnancy shall also contain
36 a statement of medical facts including secondary diagnoses when
37 applicable, within the physician's or practitioner's knowledge,
38 based on a physical examination and a documented medical
39 history of the claimant by the physician or practitioner, indicating



1 his or her conclusion as to the claimant's disability, and a statement
2 of his or her opinion as to the expected duration of the disability.

3 (b) A certificate filed to establish medical eligibility of the
4 serious health condition of the family member that warrants the
5 ~~care of the employee need not identify the serious health condition~~
6 ~~involved, but shall contain:~~ *care of the employee shall contain:*

7 (1) *A diagnosis and diagnostic code prescribed in the*
8 *International Classification of Diseases, or, where no diagnosis*
9 *has yet been obtained, a detailed statement of symptoms.*

10 ~~(1)–~~

11 (2) The date, if known, on which the condition commenced.

12 ~~(2)–~~

13 (3) The probable duration of the condition.

14 ~~(3)–~~

15 (4) An estimate of the amount of time that the physician or
16 practitioner believes the employee is needed to care for the child,
17 parent, spouse, or domestic partner.

18 ~~(4)–~~

19 (5) A statement that the serious health condition warrants the
20 participation of the employee to provide care for his or her child,
21 parent, spouse, or domestic partner.

22 “Warrants the participation of the employee” includes, but is
23 not limited to, providing psychological comfort, and arranging
24 “third party” care for the child, parent, spouse, or domestic
25 partner, as well as directly providing, or participating in, the
26 medical care.

27 (c) The department shall develop a certification form for an
28 employee taking leave for reason of the birth of a child of the
29 employee or the employee's domestic partner, or the placement of
30 a child who is unable to care for himself or herself with the
31 employee in connection with the adoption or foster care of the
32 child by the employee or domestic partner.

33 (d) The first and any continuing claim of an individual who
34 obtains care and treatment outside this state, shall be supported by
35 a certificate of a treating physician or practitioner duly licensed or
36 certified by the state or foreign country in which the claimant is
37 receiving the care and treatment. If a physician or practitioner
38 licensed by and practicing in a foreign country is under
39 investigation by the department for filing false claims and the
40 department does not have legal remedies to conduct a criminal

1 investigation or prosecution in that country, the department may
2 suspend the processing of all further certifications until the
3 physician or practitioner fully cooperates, and continues to
4 cooperate with the investigation. A physician or practitioner
5 licensed by and practicing in a foreign country who has been
6 convicted of filing false claims with the department may not file
7 a certificate in support of a claim for disability benefits for a period
8 of five years.

9 (e) For purposes of this part, the term “physician” has the same
10 meaning as it does in Section 3209.3 of the Labor Code. For
11 purposes of this part, “practitioner” means a person duly licensed
12 or certified in California acting within the scope of his or her
13 license or certification who is a dentist, podiatrist, or as to normal
14 pregnancy or childbirth, a midwife, nurse midwife, or nurse
15 practitioner.

16 (f) For a claimant who is hospitalized in or under the authority
17 of a county hospital in this state, a certificate of initial and
18 continuing medical disability, if any, shall satisfy the requirements
19 of this section if the disability is shown by the claimant’s hospital
20 chart, and the certificate is signed by the hospital’s registrar. For
21 a claimant hospitalized in or under the care of a medical facility of
22 the United States government, a certificate of initial and
23 continuing medical disability, if any, shall satisfy the requirements
24 of this section if the disability is shown by the claimant’s hospital
25 chart, and the certificate is signed by a medical officer of the
26 facility duly authorized to do so.

27 (g) Nothing in this section shall be construed to preclude the
28 department from requesting additional medical evidence to
29 supplement the first or any continued claim if the additional
30 evidence can be procured without additional cost to the claimant.
31 The department may require that the additional evidence include
32 identification of diagnoses, symptoms, or a statement as to the
33 facts of the claimant’s disability by the physician or practitioner
34 treating the claimant, by the registrar, authorized medical officer,
35 or other duly authorized official of the hospital or health facility
36 treating the claimant, or by an examining physician or other
37 representative of the department.

38 SEC. 5. Section 3254 of the Unemployment Insurance Code
39 is amended to read:

1 3254. The Director of Employment Development shall
2 approve any voluntary plan, except one filed pursuant to Section
3 3255, as to which he or she finds that there is at least one employee
4 in employment and all of the following exist:

5 (a) The rights afforded to the covered employees are greater
6 than those provided for in Chapter 2 (commencing with Section
7 2625) and those provided for in Chapter 7 (commencing with
8 Section 3300).

9 (b) The plan has been made available to all of the employees of
10 the employer employed in this state or to all employees at any one
11 distinct, separate establishment maintained by the employer in this
12 state. "Employees" as used in this subdivision includes those
13 individuals in partial or other forms of short-time employment and
14 employees not in employment as the Director of Employment
15 Development shall prescribe by authorized regulations.

16 (c) A majority of the employees of the employer employed in
17 this state or a majority of the employees employed at any one
18 distinct, separate establishment maintained by the employer in this
19 state have consented to the plan.

20 (d) If the plan provides for insurance the form of the insurance
21 policies to be issued have been approved by the Insurance
22 Commissioner and are to be issued by an admitted disability
23 insurer.

24 (e) The employer has consented to the plan and has agreed to
25 make the payroll deductions required, if any, and transmit the
26 proceeds to the plan insurer, if any.

27 (f) The plan provides for the inclusion of future employees.

28 (g) The plan will be in effect for a period of not less than one
29 year and, thereafter, continuously unless the Director of
30 Employment Development finds that the employer or a majority
31 of its employees employed in this state covered by the plan have
32 given notice of the termination of the plan. The notice shall be filed
33 in writing with the Director of Employment Development and
34 shall be effective only on the anniversary of the effective date of
35 the plan next following the filing of the notice, but in any event not
36 less than 30 days from the time of the filing of the notice; except
37 that the plan may be terminated on the operative date of any law
38 increasing the benefit amounts provided by Sections 2653 and
39 2655 or the operative date of any change in the rate of worker
40 contributions as determined by Section 984, if notice of the

1 termination of the plan is transmitted to the Director of
2 Employment Development not less than 30 days prior to the
3 operative date of ~~such~~ *that* law or change. If the plan is not
4 terminated on ~~such~~ *the* 30 days' notice because of the enactment
5 of a law increasing benefits or because of a change in the rate of
6 worker contributions as determined by Section 984, the plan shall
7 be amended to conform to that increase or change on the operative
8 date of the increase or change.

9 (h) The amount of deductions from the wages of an employee
10 in effect for any plan shall not be increased on other than an
11 anniversary of the effective date of the plan except to the extent
12 that any increase in the deductions from the wages of an employee
13 allowed by Section 3260 permits that amount to exceed the amount
14 of deductions in effect.

15 (i) The approval of the plan or plans will not result in a
16 substantial selection of risks adverse to the Disability Fund.

17 SEC. 6. Chapter 7 (commencing with Section 3300) is added
18 to Part 2 of Division 1 of the Unemployment Insurance Code, to
19 read:

20
21 CHAPTER 7. PAID FAMILY CARE LEAVE

22
23 3300. The Legislature finds and declares all of the following:

24 (a) It is in the public benefit to provide family temporary
25 disability insurance benefits to workers to care for their family
26 members. The need for family temporary disability insurance
27 benefits has intensified as both parent's participation in the
28 workforce has increased, and the number of single parents in the
29 workforce has grown. The need for partial wage replacement for
30 workers taking family care leave will be exacerbated as the
31 population of those needing care, both children and parents of
32 workers, increases in relation to the number of working age adults.

33 (b) Developing systems that help families adapt to the
34 competing interests of work and home not only benefits workers,
35 but also benefits employers by increasing worker productivity and
36 reducing employee turnover.

37 (c) The federal Family and Medical Leave Act (FMLA) and
38 California's Family Rights Act (CFRA) entitle eligible employees
39 working for covered employers to take unpaid, job-protected leave
40 for up to 12 workweeks in a 12-month period. Under the FMLA

1 and the CFRA, unpaid leave may be taken for the birth, adoption,
2 or foster placement of a new child; to care for a seriously ill child,
3 parent, or spouse; or for the employee's own serious health
4 condition.

5 (d) State disability insurance benefits currently provide wage
6 replacement for workers who need time off due to their own
7 non-work-related injuries, illnesses, or conditions, including
8 pregnancy, that prevent them from working, but do not cover leave
9 to care for a sick or injured child, spouse, parent, domestic partner,
10 or leave to bond with a new child.

11 (e) The majority of workers in this state are unable to take
12 family care leave because they are unable to afford leave without
13 pay. When workers do not receive some form of wage replacement
14 during family care leave, families suffer from the worker's loss of
15 income, increasing the demand on the state unemployment
16 insurance system and dependence on the state's welfare system.

17 (f) It is the intent of the Legislature to create a family temporary
18 disability insurance program to help reconcile the demands of
19 work and family. In recognition of the shared benefit of this
20 program, the family temporary disability insurance program shall
21 be implemented through employee contributions and the
22 provision of benefits by employers, and shall be administered in
23 accordance with the policies of the state disability insurance
24 program created pursuant to this part. Initial and ongoing
25 administrative costs associated with the family temporary
26 disability insurance program shall be payable from the Disability
27 Fund.

28 3301. (a) The purpose of this chapter is to establish, within
29 the state disability insurance program, a family temporary
30 disability insurance program to provide up to 12 weeks of wage
31 replacement benefits to workers who take time off work to care for
32 a seriously ill child, spouse, parent, domestic partner, or to bond
33 with a new child.

34 *Nothing in this chapter shall be construed to abridge the rights*
35 *and responsibilities conveyed under the CFRA or pregnancy*
36 *disability leave.*

37 (b) An individual's "weekly benefit amount" shall be the
38 amount provided in Section 2655.

39 (c) The maximum amount payable to an individual during any
40 disability benefit period for family temporary disability insurance

1 shall be 12 times his or her “weekly benefit amount,” but in no
2 case shall the total amount of benefits payable be more than the
3 total wages paid to the individual during his or her disability base
4 period. If the benefit is not a multiple of one dollar (\$1), it shall
5 be computed to the next higher multiple of one dollar (\$1).

6 *(d) No more than 12 weeks of family temporary disability*
7 *insurance benefits shall be paid within any 12-month period.*

8 3302. For purposes of this part:

9 (a) “Child” means a biological, adopted, or foster son or
10 daughter, a stepson or stepdaughter, a legal ward, a son or daughter
11 of a domestic partner, or a son or daughter of an employee who
12 stands in loco parentis to that child.

13 (b) “Family care leave” means any of the following:

14 (1) Leave for reason of the birth of a child of the employee or
15 the employee’s domestic partner, the placement of a child with an
16 employee in connection with the adoption or foster care of the
17 child by the employee or domestic partner, or the serious health
18 condition of a child of the employee, spouse or domestic partner.

19 (2) Leave to care for a parent, spouse, or domestic partner who
20 has a serious health condition.

21 (c) “Parent” means a biological, foster, or adoptive parent, a
22 stepparent, a legal guardian, or other person who stood in loco
23 parentis to the employee or domestic partner when the employee
24 or domestic partner was a child.

25 (d) “Domestic partner” has the same meaning as defined in
26 Section 297 of the Family Code.

27 (e) “Family member” means child, parent, spouse, or
28 domestic partner as defined in this section.

29 (f) “Serious health condition” means an illness, injury,
30 impairment, or physical or mental condition that involves
31 inpatient care in a hospital, hospice, or residential health care
32 facility, or continuing treatment or continuing supervision by a
33 health care provider, as defined in Section 12945.2 of the
34 Government Code.

35 3303. (a) An individual shall be deemed eligible for family
36 temporary disability insurance benefits on any day in which he or
37 she is unable to perform his or her regular or customary work
38 because he or she is caring for a new child during the first year after
39 the birth or placement of the child or a seriously ill child, parent,
40 spouse, or domestic partner, subject to a waiting period of seven

1 consecutive days during each family temporary disability benefit
2 period where no benefits are payable within that period.

3 (b) An individual is not eligible for family temporary disability
4 insurance benefits with respect to any day that he or she has
5 received unemployment compensation benefits under Part 1
6 (commencing with Section 100) or under an unemployment
7 compensation act of any other state or of the federal government.

8 (c) An individual is not eligible for family temporary disability
9 insurance benefits with respect to any day of unemployment and
10 disability for which he or she has received, or is entitled to receive,
11 “other benefits” in the form of cash benefits as defined in
12 subdivision (b) of Section 2629.

13 (d) An individual is not eligible for family temporary disability
14 insurance benefits with respect to any day that he or she is entitled
15 to receive state disability insurance benefits under Part 2
16 (commencing with Section 2601) or under a disability insurance
17 act of any other state.

18 (e) An individual is not eligible for family temporary disability
19 insurance benefits with respect to any day that another individual
20 receives family temporary disability insurance benefits under this
21 chapter for the care of the same family member.

22 (f) An individual who is entitled to leave under the FMLA and
23 the CFRA must take Family Temporary Disability Insurance
24 (FTDI) leave concurrent with leave taken under the FMLA and the
25 CFRA.

26 3304. Eligible workers shall receive benefits in accordance
27 with provisions established under this division. Fifty percent of the
28 benefits shall be provided from the Disability Fund into which the
29 employee’s FTDI premium shall be deposited. The balance of
30 those benefits shall be provided by the employer to the employee
31 by means of insurance procured by the employer, pursuant to
32 regulations to be promulgated by the department, or from the
33 Disability Fund pursuant to the employer’s election to contribute
34 an amount equal to the employee’s FTDI premium into the
35 Disability Fund.

36 3305. *If the director finds that any individual falsely certifies*
37 *the medical condition of any person in order to obtain family*
38 *temporary disability insurance benefits, with the intent to defraud,*
39 *whether for the maker or for any other person, the director shall*
40 *assess a penalty against the individual in the amount of 25 percent*

1 *of the benefits paid as a result of the false certification. The*
2 *provisions of this article, the provisions of Article 9 (commencing*
3 *with Section 1176) with respect to refunds, and the provisions of*
4 *Chapter 7 (commencing with Section 1701) with respect to*
5 *collections shall apply to the assessments provided by this section.*
6 *Penalties collected under this section shall be deposited in the*
7 *contingent fund.*

8 SEC. 7. This act shall become operative on January 1, 2004,
9 except that benefits shall be payable for periods of family
10 temporary disability leave commencing on or after July 1, 2004.

11 SEC. 8. *No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*

